

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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DIAPOLIS SMITH,

Petitioner,

v.

Case No. 1:03-CV-87

MARY BERGHUIS,

HON. GORDON J. QUIST

Respondent.

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**ORDER ADOPTING REPORT AND RECOMMENDATION**

In accordance with the Opinion entered this date,

**IT IS HEREBY ORDERED** that the Magistrate Judge's Report and Recommendation issued October 28, 2005 (docket no. 42) is **APPROVED AND ADOPTED** as the Opinion of this Court.

**IT IS FURTHER ORDERED** that Petitioner's petition for writ of habeas corpus is **DENIED**.

This case is **concluded**.

Dated: February 23, 2006

/s/ Gordon J. Quist  
GORDON J. QUIST  
UNITED STATES DISTRICT JUDGE